

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant: Löbig, Norbert

Title: METHOD FOR SWITCHING A SUBSCRIBER SET FROM A FIRST
TELECOMMUNICATION NETWORK TO A SECOND
TELECOMMUNICATION NETWORK

Appl. No.: 09/786,527

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AMENDED BRIEF ON APPEAL

This Amended Appeal Brief is being filed in response to the Notification of Non-Compliant Appeal Brief dated July 9, 2008 and the Final Office Action dated January 8, 2008 and the Advisory Action dated March 31, 2008 (finally rejecting Claims 23-29, 31-37, 39-40, and 43-46). The Notice of Appeal was filed on April 30, 2008. Appellants respectfully request reconsideration of the application.

Under the provisions of 37 C.F.R. § 41.37, the Appeal Brief was filed together with a credit card payment form in the amount of \$510.00 covering the 37 C.F.R. 41.20(b)(2) appeal fee on June 30, 2008. If this fee was deemed to be insufficient, authorization is hereby given to charge any deficiency (or credit any balance) to the undersigned deposit account 19-0741.

REAL PARTY IN INTEREST

As of March 27, 2008, the real party of interest is Nokia Siemens Networks AG. Concurrent with the filing of this Appeal Brief, a request to change the real party of interest from Siemens AG to Nokia Siemens Networks AG has been submitted. This application has been assigned to and is presently owned by Nokia Siemens Networks AG having a place of business at St.-Martin-Str. 76, D-81541 München, Federal Republic of Germany.

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences known to Appellants, the Appellants' legal representative, or assignee which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

STATUS OF CLAIMS

This is an appeal from the Final Office Action mailed January 8, 2008, finally rejecting Claims 23-29, 31-37, 39-40, and 43-46 under 35 U.S.C. § 103(a) as being unpatentable over Emery et al. (U.S. Patent No. 5,758,281) in view of Akinwale et al. (European Patent No. 0708570 A2). Claims 1-22, 30, 38, and 41-42 were cancelled in the application. Claims 23-29, 31-37, 39-40, and 43-46 are pending in the application. Claims 23-29, 31-37, 39-40, and 43-46 are the subject of the present appeal.

STATUS OF AMENDMENTS

In response to the Final Office Action, the Appellants submitted claim amendments that deleted language that was the basis for claim rejections under 35 U.S.C. § 112 and claim amendments that placed the patent application in better form for this appeal. The Advisory Action dated March 31, 2008 entered these claim amendments into the record.

In response to the Final Office Action, the Appellants also submitted Remarks on March 7, 2008 with arguments traversing the rejections of Claims 23-29, 31-37, 39-40, and 43-46 under 35 U.S.C. §103(a) and requesting reconsideration of the application. In an Advisory Action dated March 31, 2008, the Examiner stated “Applicant argue that the cited art of record did not disclose local exchanges. Examiner disagrees, as far as the definition of the local exchange according to the claim and the specification. It is a element that exchange information between two networks or two end points.”

SUMMARY OF CLAIMED SUBJECT MATTER

The present invention relates generally to a system and method for switching a subscriber station from a first telecommunication network to a second telecommunication network. See Title.

Claim 23, the representative claim of group 1, is directed to a method of switching a subscriber station from a first communications network to a second communications network. See Specification at page 3, lines 16-19. The method includes providing a first telecommunication network with a first local exchange; See Specification at page 16, lines 8-12, a second telecommunications network with a second local exchange; See Specification at page 16, lines 8-12, a subscriber station; See Specification at page 16, lines 8-12, a primary routing information in the first telecommunications network; See Specification at page 16, lines 13-17, and a primary routing information in the second telecommunication network. See Specification at page 16, lines 13-17. The first telecommunication network being connected to the second telecommunication network via a connection point. See Specification at page 19, lines 9-18. The two telecommunication networks are interconnected the subscriber station involved in a change between the two telecommunications networks. See Specification at page 19, lines 9-18. The subscriber station initially connected to the first local exchange. See Specification at page 16, lines 10-12. The primary routing information in the first telecommunications network and primary routing information in the second telecommunications network pertaining to the subscriber station. See Specification at page 16, lines 13-16. The primary routing information for defining a connection set up from the respective telecommunications network to the first local exchange. See Specification at page 16, line 13 – page 17, line 2. The method also includes storing a secondary routing information in the first telecommunication network. See Specification at page 17, lines 17-20. The secondary routing information being used for connection setup to the second telecommunications network via the connection point provided that the subscriber station is not present. See Specification at page 17, line 17 – page 18, line 16. The method further includes disconnecting electrically the subscriber line of the subscriber

station from the first local exchange. See Specification at page 19, lines 9-22. The method also includes connecting electrically the subscriber line of the subscriber station to the second exchange. See Specification at page 19, lines 9-22.

Claim 32, the representative claim of group 2, is directed to a method of switching a subscriber station from a first communications network to a second communications network. See Specification at page 3, lines 17-19. The method includes providing a first telecommunication network with a first local exchange; See Specification at page 16, lines 8-12, a second telecommunications network with a second local exchange; See Specification at page 16, lines 8-12, a subscriber station; See Specification at page 16, lines 8-12, a primary routing information in the first telecommunications network; See Specification at page 16, lines 13-17, and a primary routing information in the second telecommunication network. See Specification at page 16, lines 13-17. The first telecommunication network being connected to the second telecommunication network via a connection point. See Specification at page 17, line 17 – page 18, line 16. The two telecommunication networks are interconnected the subscriber station involved in a change between the two telecommunications networks. See Specification at page 19, lines 9-18. The subscriber station initially connected to the first local exchange. See Specification at page 16, lines 10-12. The primary routing information in the first telecommunications network and primary routing information in the second telecommunications network pertaining to the subscriber station. See Specification at page 16, lines 13-16. The primary routing information for defining a connection set up from the respective telecommunications network to the first local exchange. See Specification at page 16, line 13 – page 17, line 2. The method also includes storing a secondary routing information in the second telecommunication network. See Specification at page 20, lines 10-23. The secondary routing information being used for connection setup to the first telecommunications network via the connection point provided that the subscriber station not being present. See Specification at page 20, lines 10-23. The method further includes changing the primary routing information the second telecommunications network such that connections from the second communication network to the subscriber station are being set up to the second local exchange. See

Specification at page 20, lines 10-23. The method further includes disconnecting electrically the subscriber line of the subscriber station from the first local exchange. See Specification at page 19, lines 9-22. The method also includes connecting electrically the subscriber line of the subscriber station to the second exchange. See Specification at page 19, lines 9-22.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

1. Whether Claims 23-29, 31, 40, 43, and 45 of group 1 and Claims 32-37, 39, 44, and 46 of group 2 may properly be rejected under 35 U.S.C. § 112.
2. Whether Claims 23-29, 31, 40, 43, and 45 of group 1 may properly be rejected under 35 U.S.C. § 103(a) over Emery et al. in view of Akinwale et al.
3. Whether Claims 32-37, 39, 44, and 46 of group 2 may properly be rejected under 35 U.S.C. § 103(a) over Emery et al. in view of Akinwale et al.

For the purposes of this appeal only, Claims 23-29, 31, 40, 43, and 45 are grouped together into group 1 and essentially stand together or fall together and are therefore grouped together. Independent Claim 23 is the representative claim for group 1 because it is the broadest claim in group 1. The patentability of group 1 is discussed below in the argument. For the purposes of this appeal only, Claims 32-37, 39, 44, and 46 are grouped together into group 2 and essentially stand together or fall together and are therefore grouped together. Independent Claim 32 is the representative claim for group 2 because it is the broadest claim in group 2. The patentability of group 2 is discussed below in the argument.

ARGUMENT

REFERENCES RELIED UPON

The following references were relied upon by the Examiner: U.S. Patent No. 5,758,281 to Emery et al. and European Patent No. 0708570 A2 to Akinwale et al.

BACKGROUND

I. 35 U.S.C. § 112

On pages 3-4 of the Final Office Action, Claims 23-29, 31-37, 39-40, and 43-46 of this appeal were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. 35 U.S.C. § 112, first paragraph, states:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The inquiry into whether the description requirement is met must be determined on a case-by-case basis and is a question of fact. In re Wertheim, 541 F.2d 257, 262, 191 USPQ 90,96 (CCPA 1976). A description as filed is presumed to be adequate, unless or until sufficient evidence or reasoning to the contrary has been presented by the examiner to rebut the presumption. See, e.g., In re Marzocchi, 439 F.2d 220, 224, 169 USPQ 367, 370 (CCPA 1971). The examiner, therefore, must have a reasonable basis to challenge the adequacy of the written description. The examiner has the initial burden of presenting by a preponderance of evidence why a person skilled in the art would not recognize in an applicant's disclosure a description of the invention defined by the claims. Wertheim, 541 F.2d at 263, 191 USPQ at 97. MPEP § 2163.04.

II. 35 U.S.C. § 103

On pages 4-10 of the Final Office Action, Claims 23-29, 31-37, 39-40, and 43-46 of this appeal were rejected under 35 U.S.C. §103(a). 35 U.S.C. § 103(a) states:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Obviousness under 35 U.S.C. §103(a) is a legal conclusion involving four factual inquiries:

- (1) the scope and content of the prior art;
- (2) the differences between the claims and the prior art;
- (3) the level of ordinary skill in the pertinent art; and
- (4) secondary considerations, if any, of nonobviousness.

See Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966). See also KSR Int'l Co. v. Teleflex Inc., 127 S.Ct. 1727, 1734, 82 USPQ2d 1385, 1391 (2007) (“While the sequence of these questions might be reordered in any particular case, the [Graham] factors continue to define the inquiry that controls.”).

In rejecting claims under 35 U.S.C. § 103, the Examiner bears the initial burden of presenting a *prima facie* case of obviousness. See In re Rijckaert, 9 F.3d 1531, 1532, 28 USPQ2d 1955,1956 (Fed. Cir. 1993). A *prima facie* case of obviousness is established by presenting evidence that would have led one of ordinary skill in the art to combine the relevant teachings of the references to arrive at the claimed invention. See In re Fine, 837 F.2d 1071,

1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988) and In re Lintner, 458 F.2d 1013, 1016, 173 USPQ 560, 562 (CCPA 1972). A broad conclusory statement regarding the obviousness of modifying a reference, standing alone, is not “evidence.” Thus, when an Examiner relies on general knowledge to negate patentability, that knowledge must be articulated and placed on the record. See In re Lee, 277 F.3d 1338, 1342-45, 61 USPQ2d 1430, 1433-35 (Fed. Cir. 2002). See also In re Dembiczak, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999).

Recently, in KSR Int’l v. Teleflex, the Supreme Court rejected a rigid approach to the question of obviousness. 550 U.S. ___, 127 S.Ct. 1727, 1738 (2007). At the same time, however, the Supreme Court recognized that, “inventions in most, if not all, instances rely upon building blocks long since uncovered, and claimed discoveries almost of necessity will be combinations of what, in some sense, is already known.” *Id.* at 1741. Thus, a patent composed of several elements “is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art.” *Id.* Therefore, there must be an articulated reasoning with a rational underpinning to support a legal conclusion of obviousness. *Id.* (“[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.”) (quoting In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)).

REJECTIONS

1. The claims of group 1 and group 2 are not properly rejected under 35 U.S.C. §112.

The claims of group 1 and group 2 were rejected under 35 U.S.C. §112. However, the language cited by the Examiner was removed from the claims in the Office Action Response dated March 7, 2008. The Advisory Action dated March 31, 2008 entered these claim amendments into the record. Therefore, the rejections should be withdrawn.

2. The claims of group 1 are not properly rejected with respect to the cited references under 35 U.S.C. §103(a) because Emery et al. and/or Akinwale et al. either alone or in combination do not disclose, teach, or suggest each and every element of the claims in group 1.

On pages 4-10 of the Office Action dated January 8, 2008, Claims 23-29, 31, 40, 43, and 45 (group 1) were rejected under 35 U.S.C. § 103(a) as being unpatentable over Emery et al. in view of Akinwale et al. Independent Claim 23 is representative of the claims in group 1.

In response to the Appellants' arguments regarding independent Claim 23 that Emery et al. and/or Akinwale et al. fail to disclose, teach, or suggest a method which recites, along with other limitations, "providing a first telecommunication network with a first local exchange, a second telecommunications network with a second local exchange, a subscriber station, a primary routing information in the first telecommunications network, and a primary routing information in the second telecommunication network ... disconnecting electrically the subscriber line of the subscriber station from the first local exchange and connecting electrically the subscriber line of the subscriber station to the second exchange," the Examiner stated "in Emery, the VLR which was mapped as applicant's 'local exchange', VLR in Emery comprises the above functionalities which defines a local exchange." (Advisory Action dated March 31, 2008, page 2).

The Appellants respectfully disagree with the Examiner's position because a Visiting Location Register ("VLR") is a database which is used by the mobile network to temporarily hold profiles of roaming users (e.g., users outside their home area). (Office Action Response dated March 7, 2008, page 18). The VLR (e.g., a database) is materially different than a local exchange because a local exchange provides a central point for the termination of lines and trunks and is used to connect subscriber local loops to network trunks in a fixed network system. (Office Action Response dated March 7, 2008, page 17).

Emery et al. does not disclose a local exchange as recited in Claim 23. Rather, Emery et al. discloses a mobile network and Akinwale et al. discloses an operator assistance system for a local operator assistance call. The Examiner utilizes Emery et al. as the primary reference to support the Examiner's obviousness position.

The Examiner's position is that Emery et al. discloses the first telecommunication network at element 22 in Fig. 2 and the first local exchange is mapped to a VLR at 22. (Office Action dated January 8, 2008, page 4). The Appellants respectfully disagree with the Examiner's position because: (1) element 22 is a mobile switching center (Emery et al., col. 11, lines 45-50), that does not contain a local exchange (e.g., a switching system for a fixed network) and (2) the VLR is used for registration purposes in a mobile network scenario (Emery et al., col. 5, lines 1-60). Since the VLR is an entity of a mobile network, the VLR is materially different than a local exchange used in a fixed network. Therefore, the disclosure of the VLR in Emery et al. does not disclose, teach, or suggest a local exchange as recited in Claim 23.

The Examiner's position is that Emery et al. also discloses the second network at element 26 in Fig. 2 and the second local exchange is mapped to a VLR at 26. (Office Action dated January 8, 2008, page 4). The Appellants respectfully disagree with the Examiner's position because: (1) element 26 is a mobile switching center (Emery et al., col. 11, lines 45-50), that does not contain a local exchange (e.g., a switching system for a fixed network) and (2) the citation of Emery et al., col. 15, lines 20-35 is related to mobile communication units (e.g., handsets including PCS radio transceivers). Since both the VLR and these mobile

communication units are entities of a mobile network, the VLR and these mobile communication units are materially different than a local exchange used in a fixed network. Therefore, the disclosure of the VLR and/or these mobile communication units in Emery et al. does not disclose, teach, or suggest a local exchange as recited in Claim 23.

The Examiner's position is that Emery et al. also discloses the connection point at element 31 in Fig. 2, which is a signaling transfer point ("STP"). (Office Action dated January 8, 2008, page 5). The Appellants respectfully disagree with the Examiner's position because the STP of Emery et al. is unable to interconnect the payload (e.g., voice data). The STP of

Emery et al. is materially different than the connection point limitation of Claim 23 because the connection point (recited in Claim 23) has to interconnect the telecommunication networks with respect to signaling and payload which cannot be accomplished by the Emery et al. reference. The method recited in Claim 23 routes calls between exchanges and networks, not only call signaling. For example, if a subscriber is disconnected from the first network and connected to the second network, call signaling and payload have to be exchanged for calls for this subscriber originating in the first network. Therefore, the disclosure of the STP in Emery et al. does not disclose, teach, or suggest a connection point as recited in Claim 23.

The Examiner's position is that Emery et al. also discloses the primary routing information at col. 5, lines 1-22, which is a discussion of mobile communication principles. (Office Action dated January 8, 2008, page 5). The Appellants respectfully disagree with the Examiner's position because: (1) the cited sections relate to the principles of mobile communications (e.g., HLR, VLR, MSC), which are not relevant to a system with a local exchange; (2) a fixed network system has no registration capabilities; and (3) as opposed to a mobile system, a fixed network system has no need to be able to roam. Therefore, the disclosure of the mobile communication principles (e.g., HLR, VLR, MSC) in Emery et al. does not disclose, teach, or suggest the primary routing information as recited in Claim 23.

The Examiner's position is that Emery et al. also discloses the disconnecting of the subscriber at col. 5, lines 23-45, which is a discussion of roaming on a mobile network.

(Office Action dated January 8, 2008, page 6). The Appellants respectfully disagree with the Examiner's position because the cited sections deal with roaming on a mobile network. Therefore, the disclosure of roaming on a mobile network in Emery et al. does not disclose, teach, or suggest disconnecting of the subscriber in a fixed network system.

The Examiner's position is that Emery et al. also discloses the connecting of the subscriber at col. 5, lines 23-45, which is a discussion of roaming on a mobile network. (Office Action dated January 8, 2008, page 6). The Appellants respectfully disagree with the Examiner's position because the cited sections deal with roaming on a mobile network. Therefore, the disclosure of roaming on a mobile network in Emery et al. does not disclose, teach, or suggest connecting of the subscriber in a fixed network system.

The Examiner has acknowledged that the element of "electrically connecting/disconnecting the subscriber line" is not disclosed by Emery et al. The Examiner relies upon Akinwale et al. for this missing structure. (Office Action dated January 8, 2008, page 6). It is respectfully submitted that Akinwale et al. does not disclose, teach, or suggest the steps of:

disconnecting electrically the subscriber line of the
subscriber station from the first local exchange; and

connecting electrically the subscriber line of the subscriber
station to the second local exchange.

In view of the limitation to operator assistance, Akinwale et al. is not relevant. The present method in independent Claim 23 is different than Akinwale et al. which is an operator assistance system.

A *prima facie* case of obviousness requires a finding that the prior art included each element claimed, although not necessarily in a single prior art reference. See KSR Int'l v. Teleflex, 550 U.S. ___, 127 S.Ct. 1727, 1738 (2007). The combination of Emery et al. and Akinwale et al. does not disclose each element of Claim 23, and, thus, the combination of Emery et al. and Akinwale et al. made by the Examiner cannot render Claim 23 obvious.

Accordingly, the rejection of independent Claim 23 of group 1 should be reversed. Also, the rejections of dependent Claims 24-29, 31, 40, 43, and 45, which depend variously from independent Claim 23 should be reversed.

3. The claims of group 2 are not properly rejected with respect to the cited references under 35 U.S.C. §103(a) because Emery et al. and/or Akinwale et al. either alone or in combination do not disclose, teach, or suggest each and every element of the claims in group 2.

On pages 4-10 of the Office Action dated January 8, 2008, Claims 32-37, 39, 44 and 46 (group 2) were rejected under 35 U.S.C. § 103(a) as being unpatentable over Emery et al. in view of Akinwale et al. Independent Claim 32 is representative of the claims in group 2.

In response to the Appellants' arguments regarding independent Claim 32 that Emery et al. and/or Akinwale et al. fail to disclose, teach, or suggest a method which recites, along with other limitations, "providing a first telecommunication network with a first local exchange, a second telecommunications network with a second local exchange, a subscriber station, a primary routing information in the first telecommunications network, and a primary routing information in the second telecommunication network ... changing the primary routing information the second telecommunications network such that connections from the second communication network to the subscriber station are being set up to the second local exchange, disconnecting electrically the subscriber line of the subscriber station from the first local exchange and connecting electrically the subscriber line of the subscriber station to the second exchange," the Examiner stated "in Emery, the VLR which was mapped as applicant's 'local exchange', VLR in Emery comprises the above functionalities which defines a local exchange." (Advisory Action dated March 31, 2008, page 2).

The Appellants respectfully disagree with the Examiner's position because a Visiting Location Register ("VLR") is a database which is used by the mobile network to temporarily hold profiles of roaming users (e.g., users outside their home area). (Office Action Response dated March 7, 2008, page 18). The VLR (e.g., a database) is materially different than

a local exchange which provides a central point for the termination of lines and trunks and is used to connect subscriber local loops to network trunks in a fixed network system. (Office Action Response dated March 7, 2008, page 17).

Emery et al. does not disclose a local exchange as recited in Claim 32. Rather, Emery et al. discloses a mobile network and Akinwale et al. discloses an operator assistance system for a local operator assistance call. The Examiner utilizes Emery et al. as the primary reference to support the Examiner's obviousness position.

The Examiner's position is that Emery et al. discloses the first telecommunication network at element 22 in Fig. 2 and the first local exchange is mapped to a VLR at 22. (Office Action dated January 8, 2008, page 4). The Appellants respectfully disagree with the Examiner's position because: (1) element 22 is a mobile switching center (Emery et al., col. 11, lines 45-50), that does not contain a local exchange (e.g., a switching system for a fixed network) and (2) the VLR is used for registration purposes in a mobile network scenario (Emery et al., col. 5, lines 1-60). Since the VLR is an entity of a mobile network, the VLR is materially different than a local exchange used in a fixed network. Therefore, the disclosure of the VLR in Emery et al. does not disclose, teach, or suggest a local exchange as recited in Claim 32.

The Examiner's position is that Emery et al. also discloses the second network at element 26 in Fig. 2 and the second local exchange is mapped to a VLR at 26. (Office Action dated January 8, 2008, page 4). The Appellants respectfully disagree with the Examiner's position because: (1) element 26 is a mobile switching center (Emery et al., col. 11, lines 45-50), that does not contain a local exchange (e.g., a switching system for a fixed network) and (2) the citation of Emery et al., col. 15, lines 20-35 is related to mobile communication units (e.g., handsets including PCS radio transceivers). Since both the VLR and these mobile communication units are entities of a mobile network, the VLR and these mobile communication units are materially different than a local exchange used in a fixed network. Therefore, the disclosure of the VLR and/or these mobile communication units in Emery et al. does not disclose, teach, or suggest a local exchange as recited in Claim 32.

The Examiner's position is that Emery et al. also discloses the connection point at element 31 in Fig. 2, which is a signaling transfer point ("STP"). (Office Action dated January 8, 2008, page 5). The Appellants respectfully disagree with the Examiner's position because the STP of Emery et al. is unable to interconnect the payload (e.g., voice data). The STP of Emery et al. is materially different than the connection point limitation of Claim 32 because the connection point (recited in Claim 32) has to interconnect the telecommunication networks with respect to signaling and payload which cannot be accomplished by the Emery et al. reference. The method recited in Claim 32 routes calls between exchanges and networks, not only call signaling. For example, if a subscriber is disconnected from the first network and connected to the second network, call signaling and payload have to be exchanged for calls for this subscriber originating in the first network. Therefore, the disclosure of the STP in Emery et al. does not disclose, teach, or suggest a connection point as recited in Claim 32.

The Examiner's position is that Emery et al. also discloses the primary routing information at col. 5, lines 1-22, which is a discussion of mobile communication principles. (Office Action dated January 8, 2008, page 5). The Appellants respectfully disagree with the Examiner's position because: (1) the cited sections relate to the principles of mobile communications (e.g., HLR, VLR, MSC), which are not relevant to a system with a local exchange; (2) a fixed network system has no registration capabilities; and (3) as opposed to a mobile system, a fixed network system has no need to be able to roam. Therefore, the disclosure of the mobile communication principles (e.g., HLR, VLR, MSC) in Emery et al. does not disclose, teach, or suggest the primary routing information as recited in Claim 32.

The Examiner's position is that Emery et al. also discloses changing the primary routing information in the second telecommunications network such that connections from the second communication network to the subscriber station are being set up to the second local exchange at col. 5, lines 23-67, which is a discussion of roaming on a mobile network. (Office Action dated January 8, 2008, page 6). The Appellants respectfully disagree with the Examiner's position because the cited sections relate to a roaming subscriber. Therefore, the

disclosure of roaming on a mobile network in Emery et al. does not disclose, teach, or suggest changing the primary routing information in a fixed network system.

The Examiner's position is that Emery et al. also discloses the disconnecting of the subscriber at col. 5, lines 23-45, which is a discussion of roaming on a mobile network. (Office Action dated January 8, 2008, page 6). The Appellants respectfully disagree with the Examiner's position because the cited sections deal with roaming on a mobile network. Therefore, the disclosure of roaming on a mobile network in Emery et al. does not disclose, teach, or suggest disconnecting of the subscriber in a fixed network system.

The Examiner's position is that Emery et al. also discloses the connecting of the subscriber at col. 5, lines 23-45, which is a discussion of roaming on a mobile network. (Office Action dated January 8, 2008, page 6). The Appellants respectfully disagree with the Examiner's position because the cited sections deal with roaming on a mobile network. Therefore, the disclosure of roaming on a mobile network in Emery et al. does not disclose, teach, or suggest connecting of the subscriber in a fixed network system.

The Examiner has acknowledged that the element of "electrically connecting/disconnecting the subscriber line" is not disclosed by Emery et al. The Examiner relies upon Akinwale et al. for this missing structure. (Office Action dated January 8, 2008, page 6). It is respectfully submitted that Akinwale et al. does not disclose, teach, or suggest the steps of:

disconnecting electrically the subscriber line of the
subscriber station from the first local exchange; and

connecting electrically the subscriber line of the subscriber
station to the second local exchange.

In view of the limitation to operator assistance, Akinwale et al. is not relevant. The present method in independent Claim 32 is different than Akinwale et al. which is an operator assistance system.

A *prima facie* case of obviousness requires a finding that the prior art included each element claimed, although not necessarily in a single prior art reference. See KSR Int'l v. Teleflex, 550 U.S. ___, 127 S.Ct. 1727, 1738 (2007). The combination of Emery et al. and Akinwale et al. does not disclose each element of Claim 32, and, thus, the combination of Emery et al. and Akinwale et al. made by the Examiner cannot render Claim 32 obvious.

Accordingly, the rejection of independent Claim 32 of group 2 should be reversed. Also, the rejections of dependent Claims 33-37, 39, 44, and 46, which depend variously from independent Claim 32 should be reversed.

CONCLUSION

In view of the foregoing, Appellants submit that Claims 23-29, 31-37, 39-40, and 43-46 are not properly rejected with respect to 35 U.S.C. § 112 and the cited references under 35 U.S.C. §103(a). Accordingly, it is respectfully requested that the board reverse the claim rejections for Claims 23-29, 31-37, 39-40, and 43-46.

Respectfully submitted,

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CLAIMS APPENDIX

1.-22. (Canceled).

23. (Previously Presented) A method for switching a subscriber station from a first telecommunications network to a second telecommunications network comprising the steps of:

- providing a first telecommunications network with a first local exchange, a second telecommunications network with a second local exchange, a subscriber station, a primary routing information in the first telecommunications network and a primary routing information in the second telecommunications network, said first telecommunication network being connected to said second telecommunication network via a connection point, wherein the two telecommunication networks are interconnected said subscriber station involved in a change between the two telecommunications networks, said subscriber station initially connected to said first local exchange, said primary routing information in the first telecommunications network and primary routing information in the second telecommunications network pertaining to said subscriber station, said primary routing information for defining a connection set up from the respective telecommunications network to the first local exchange;
- storing a secondary routing information in the first telecommunication network, said secondary routing information being used for connection setup to the second telecommunications network via the connection point provided that the subscriber station is not present;
- disconnecting electrically the subscriber line of the subscriber station from the first local exchange; and
- connecting electrically the subscriber line of the subscriber station to the second local exchange.

24. (Previously Presented) A method according to claim 23 further comprising the steps of:

changing the primary routing information in the second telecommunications network such that connections from the second communications network to the subscriber station are being set up to the second local exchange.

25. (Previously Presented) A method according to claim 23 further comprising the steps of:

storing in the first local exchange details that provide information on the subscriber station in a course of a connection request, with storage of the secondary routing information in the first local exchange, said details indicating that the subscriber station is in the state of changing between networks,

said connection request being passed to the first local exchange, said connection request relating to a relevant subscriber's setup information in the first local exchange,

evaluating said details in a course of the further connection setup as to perform one of:

- a. - if the subscriber station is still being connected to the first local exchange, then, carrying out the further connection setup via the first local exchange; and
- b. - if the subscriber station is no longer connected to the first local exchange, then, carrying out the further connection setup via an associated secondary routing information.

26. (Previously Presented) A method according to claim 25 further comprising the step of:

activating the secondary routing information in the first local exchange upon a fault occurring on an access line of the subscriber station while disconnecting the subscriber station, said secondary routing information relating to the subscriber station.

27. (Previously Presented) A method according to claim 23 further comprising the step of:

changing the primary routing information in the first communications network after disconnecting the subscriber station from the first local exchange so that communication requests originating from the first telecommunications network to the subscriber station are passed from the first telecommunications network to the second telecommunications network via the connection point.

28. (Previously Presented) A method according to claim 27 further comprising the step of:

deleting the secondary routing information in the first local exchange, said secondary routing information relating to the subscriber station.

29. (Previously Presented) A method according to claim 28 further comprising the step of:

deleting details in the first local exchange, said details relating to a relevant subscriber station being previously connected to the first telecommunications network.

30. (Canceled).

31. (Previously Presented) A method according to claim 26 further comprising the step of:

making permanently effective a carrier signal for a duration of the subscriber's switching, said carrier signal being monitored by the first local exchange in order to identify a line fault on a digital subscriber access line.

32. (Previously Presented) A method for switching a subscriber station from a first telecommunications network to a second telecommunications network, comprising the steps of:

providing a first telecommunications network with a first local exchange, a second telecommunications network with a second local exchange, a subscriber station, a primary routing information in the first telecommunications network and a primary routing information in the second telecommunications network;

said first telecommunication network being connected to said second telecommunication network via a connection point wherein the two telecommunication networks are interconnected;

said subscriber station involved in a change between the two telecommunications networks, said subscriber station initially connected to said first local exchange, said primary routing information in the first telecommunications network and primary routing information in the second telecommunications network pertaining to said subscriber station, said primary routing information for defining a connection setup from the respective telecommunications network to the first local exchange;

storing a secondary routing information in the second telecommunication network, said secondary routing information being used for connection setup to the first telecommunications network via the connection point upon the subscriber station not being present;

changing the primary routing information the second telecommunications network such that connections from the second communication network to the subscriber station are being set up to the second local exchange;

disconnecting electrically the subscriber line of the subscriber station from the first local exchange; and

connecting electrically the subscriber line of the subscriber station to the second local exchange.

33. (Previously Presented) A method according to claim 32 further comprising the steps of:

storing in the second local exchange details that provide information on the subscriber station in a course of a connection request with storage of the secondary routing information in the second local exchange, said details indicating that the subscriber station is in the state of changing between networks,

said connection request being passed to the second local exchange, said connection request relating to the subscriber's setup information in the second local exchange; evaluating said details in a course of the further connection setup as to perform one of:

- a. - if the subscriber station is already being connected to the second local exchange, then, carrying out the further connection setup via the second local exchange, and
- b. - if the subscriber station is not yet connected to the second local exchange, then, carrying out the further connection setup via an associated secondary routing information.

34. (Previously Presented) A method according to claim 33 further comprising the step of:

deactivating the secondary routing information relating to the subscriber station in the second local exchange, upon a fault end signal occurring on an access line of the subscriber station while connecting the subscriber station.

35. (Previously Presented) A method according to claim 33 further comprising the step of:

changing the primary routing information in the first telecommunications network after disconnecting the subscriber station from the first local exchange so that communication requests originating from the first telecommunications network to the subscriber station are passed from the first telecommunications network via the connection point to the second telecommunications network.

36. (Previously Presented) A method according to claim 35 further comprising the step of:

deleting the secondary routing information relating to the subscriber station in the second local exchange.

37. (Previously Presented) A method according to claim 34 further comprising the step of:

changing a part of the details that indicate a connection of the subscriber station to the second local exchange.

38. (Canceled).

39. (Previously Presented) A method according to claim 34, further comprising the step of:

making permanently effective a carrier signal for a duration of the subscriber station's switching, said carrier signal being monitored by the second local exchange in order to identify a line fault end on a digital subscriber access line.

40. (Previously Presented) A method according to claim 23, further comprising the step of:

storing and making available the primary and secondary routing information by utilizing at least one of a local operation at an exchange level and a central operation in a network.

41.-42. (Canceled).

43. (Previously Presented) A method according to claim 23, further comprising the steps of:

detecting connections being passed more than once via the connection point in the course of setting up the connection; and
clearing said connections.

44. (Previously Presented) A method according to claim 32, further comprising the steps of:

detecting connections being passed more than once via the connection point in the course of setting up the connection; and
clearing said connections.

45. (Previously Presented) A method according to claim 23, further comprising the steps of:

connecting the subscriber station to at least one of the first exchange and the second exchange via an access network interface;

utilizing one of an availability and unavailability of the subscriber station as a criterion for one of an activation and a deactivation of the further connection setup in accordance with the secondary routing information of the subscriber station;

said one of an availability and non-availability being signaled via the access network interface to a respective local exchange.

46. (Previously Presented) A method according to claim 32, further comprising the steps of:

connecting the subscriber station to at least one of the first exchange and the second exchange via an access network interface;

utilizing one of an availability and unavailability of the subscriber station as a criterion for one of an activation and a deactivation of the further connection setup in accordance with the secondary routing information of the subscriber station;

said one of an availability and non-availability being signaled via the access network interface to a respective local exchange.

EVIDENCE APPENDIX

Appellants are submitting no additional evidence at this time.

RELATED PROCEEDINGS APPENDIX

There are no related appeals or interferences.